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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 HARRY J. WHITMAN, et al.,

9 Plaintiffs,

10 v.

11 WASHINGTON DEPARTMENT OF  
12 CORRECTIONS, et al.,

13 Defendants.

Case No. C11-5457BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation (“R&R”) of  
15 the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 28), and Plaintiff  
16 Harry J. Whitman’s (“Whitman”) objections to the R&R (Dkt. 31).

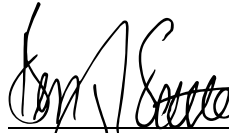
17 On June 13, 2011, Plaintiffs Whitman, Bryan C. Powers, Daniel C. Carter, and Tony  
18 Smith filed a proposed class action civil rights complaint (Dkt. 9), individual motions to  
19 proceed in forma pauperis (Dkts. 1, 3, 5, & 7), and other motions (Dkts. 10, 11, & 12). On  
20 July 25, 2011, Judge Strombom issued an R&R recommending that the Court require each  
21 Plaintiff to file a separate action, require Whitman to file an amended complaint setting forth  
22 the allegations and causes of action that pertain to him individually, deny Bryan Powers,  
23 Daniel Carter, and Tony Smith’s applications to proceed in forma pauperis (Dkts. 3, 5, & 7),  
24 deny Daniel Carter’s motion for an extension of time (Dkt. 18), and strike all other pending  
25 motions. Dkt. 28.  
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1 On August 3, 2011, Whitman responded to the R&R stating that he intends to  
2 proceed with this case individually and that he would file an amended complaint. Dkt. 31.  
3 On August 10, 2011, Whitman filed a new complaint. Dkt. 32.

4 The Court having considered the R&R, Whitman's response, and the remaining  
5 record, does hereby find and order as follows:

- 6 (1) The R&R is **ADOPTED**; and  
7 (2) Bryan Powers, Daniel Carter, and Tony Smith's applications to proceed in  
8 forma pauperis (Dkt. 3, 5, & 7) are **DENIED without prejudice**;  
9 (3) Daniel Carter's motion for an extension of time (Dkt. 18) is **DENIED**;  
10 (4) All other pending motions are **STRICKEN**; and  
11 (5) This matter is **RE-REFERRED** to Judge Strombom for further proceeding

12 DATED this 31<sup>st</sup> day of August, 2011

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15 BENJAMIN H. SETTLE  
16 United States District Judge  
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